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DEPARTMENT OF NATURAL RESOURCES

Stevens T. Mason Building, P.O. Box 30028, Lansing, MI 48909
ROLAND HARMES, Director

US EPA RECORDS CENTER REGION 5



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June 2, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. and Mrs. Luster Prater
29951 East Erie Road
Albion, Michigan 49224

Dear Mr. and Mrs. Prater:

SUBJECT: Albion-Sheridan Township Landfill, Calhoun County, Michigan

This letter is formal notice that:

1. The Michigan Department of Natural Resources (MDNR) and the U.S. Environmental Protection Agency (EPA) have identified the Albion-Sheridan Township Landfill, Calhoun County, Michigan, as a site of environmental contamination; and
2. The Legislature has authorized the MDNR to expend public funds under the Environmental Protection Bond Implementation Act, 1988 PA 328, for the purpose of investigating and remediating environmental contamination associated with this facility.
3. The MDNR is making a demand for payment of all past costs and costs which continue to accrue at the facility, plus any and all interest as authorized to be recovered under applicable state and federal law including Section 12 of the Michigan Environmental Response Act (MERA), 1982 PA 307, as amended.

The MDNR is authorized by law, including the MERA, to use public funds to undertake actions necessary to protect public health and the environment. Appropriations have been approved for the specific actions described in this letter.



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Records obtained by MDNR staff from the Calhoun County Register of Deeds (Liber 1581, Page 700) indicate that Luster and Ollie Mae Prater have owned property at this facility since June 11, 1991.

Investigations conducted by the MDNR and the EPA indicate the following:

1. Soil at the facility is contaminated with inorganic compounds including arsenic, lead and barium. Maximum levels of arsenic, lead and barium detected in soils during the remedial investigation were 52.2, 70.1, and 220 mg/Kg, respectively.
2. Groundwater at the facility is contaminated with Volatile Organic Compounds (VOCs) including vinyl chloride and inorganic compounds including arsenic and antimony. Maximum levels of vinyl chloride, arsenic, and antimony detected in groundwater during the remedial investigation were 2.0, 85.1, and 71.4 ug/L, respectively.
3. Up to 35,000 drums potentially containing hazardous substances may have been disposed of at the site. Geophysical investigations have identified specific areas that could contain buried drums.

The MDNR considers the soil and groundwater contamination to be a threat to public health and the environment. The release or threatened release of hazardous substances at this facility, including the discharge and potential discharge of these substances into the groundwater, may violate Sections 6(1) and 7 of the Michigan Water Resources Commission Act, 1929 PA 245, as amended, as well as other state and federal laws.

The MDNR has determined that, as current owners, Luster and Ollie Mae Prater are potentially responsible parties and requests that you voluntarily agree to reimburse the MDNR for response activities to investigate environmental problems at this facility. These activities include: excavating test pits, sampling drums for waste characterization and staging drums at this facility for proper disposal. Please note that the MDNR is not asking Luster Prater or Ollie Mae Prater to perform these response activities because the EPA, the lead agency for this site, has not authorized you to perform these activities.

Additional response activities including, but not limited to, source control and groundwater cleanup may ultimately be required to fully remedy environmental problems at this facility.

The State of Michigan is authorized by law, including the MERA, to use public funds to undertake response activities. In addition, a responsible party of a contaminated site is liable for all past and future costs incurred by the state in performing response activities under Sections 12 and 16a of the MERA, MCL 299.601 et seq, MSA 13.32(1) et seq; Section 12(8) of the Leaking Underground Storage Tank Act, MCL 299.842(8) and all other applicable state and federal laws. The State of Michigan has incurred response activity costs in conducting response activities at the facility. These response activities include, but are not limited to, conducting a geophysical survey and

preparation of work plans for excavating test pits, sampling drums for waste characterization and staging drums at this facility for proper disposal.

Demand is hereby made for payment of all past costs and costs which continue to accrue at the facility, including any and all interest as authorized to be recovered under state law. Interest shall begin to accrue on the date of your receipt of this notice of demand.

If you wish to voluntarily resolve your liability for past costs plus any costs which continue to accrue, including any and all interest as authorized to be recovered under state and federal law, the State of Michigan requires Luster and Ollie Mae Prater to commit to the payment of these costs. Your willingness to enter into an agreement should be included in your written response to this letter. To determine the amount of past costs, please contact: Chief, Cost Recovery Unit, Environmental Response Division, Department of Natural Resources, P.O. Box 30426, Lansing, MI 48909.

The MDNR believes that Luster and Ollie Mae Prater are responsible for the necessary response activities at this facility in accordance with the requirements prescribed in Part 5 of the Administrative Rules promulgated pursuant to the MERA unless an exemption or defense to liability as provided in Sections 3(t), 3(u) or 12a of the MERA applies. Please provide your written commitment to accept that responsibility to me within 30 days of receipt of this letter. If we do not receive a written commitment, the MDNR may do any of the following:

1. Request that the Attorney General take enforcement action against Luster and Ollie Mae Prater as potentially responsible parties.
2. Perform the required response activities utilizing public funding. Any expenditure of public funds and accumulated interest for this purpose is subject to cost recovery actions by the state pursuant to federal or state law, including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 42 USC 9607(a); Section 12 of the MERA, MCL 299.612; and Section 10(2) of the Michigan Water Resources Commission Act, MCL 323.10(2).
3. Place a lien upon Luster and Ollie Mae Prater's property in accordance with Section 16a of the MERA to secure the recovery of costs incurred by the state and damages for the full value of injury to, destruction or loss of natural resources.

The files used to prepare this notice are located in the MDNR Superfund Section Office. If you wish to review these files or if you have questions regarding this letter, please direct your inquiries to Mr. James Myers, Superfund Section, Environmental Response Division, MDNR, P.O. Box 30426, Lansing, Michigan 48909. His telephone number is 517-373-2745. A list of

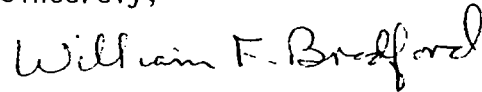
Mr. and Mrs. Prater

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names and addresses of potentially responsible parties who have been sent a notice for this facility is enclosed. A copy of this notice has been provided to the local unit of government in which the facility is located.

Sincerely,



William F. Bradford, Chief
Superfund Section
Environmental Response Division
517-335-3393

Enclosure

cc: Mr. Thomas Frank, Sheridan Township Supervisor
Mr. A. Michael Leffler, Department of Attorney General
Ms. Patricia McKay, MDNR
Mr. James Myers, MDNR
Albion-Sheridan Landfill Site file (F2)

Addressees

Mr. Robert Teets, Director
Risk Management and Environmental Affairs
Cooper Industries, Inc.
First City Tower, Suite 4000
1001 Fannin
Houston, TX 77002

Mr. and Mrs. Luster Prater
29951 East Erie Road
Albion, Michigan 49224

Mr. Jerome L. Richardson
5795 County Farm Road
Jackson, Michigan 49201

Mrs. Marguerite M. Stevick
c/o Mr. Charles C. McClafferty, P.C.
404 S. Jackson
Jackson, Michigan 49201

Mr. Philip J. Curtis, Resident Agent
Seiler Tank Truck Service, Inc.
26791 Michigan Avenue
Albion, Michigan 49224

Mr. David Delger, President
Union Steel Products Inc.
509 North Albion Street
Albion, Michigan 49224